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International Court of Justice

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11 May 1946

INTERROGATION OF FLEET ADMIRAL CHESTER W. NIMITZ, U.S. NAVY.

At the request of the International Military Tribunal the following interrogatories were on this date, 11 May 1946, put to Fleet Admiral Chester W. Nimitz, U. S. Navy by Lieutenant Commander Joseph L. Broderick, U. S. Naval Reserve, of the International Law Section, Office of the Judge Advocate General, Navy Department, Washington, D. C., who recorded verbatim the testimony of the witness.

Admiral Nimitz was duly sworn by Lieutenant Commander Broderick and interrogated as follows:

Q. What is your name, rank and present station?

A. Chester W. Nimitz, Fleet Admiral, United States Navy, Chief of Naval Operations of the United States Navy.

1.Q. What positions in the U. S. Navy did you hold from December 1941 until May 1945?

A. Commander-in-Chief, U. S. Pacific Fleet.

2.Q. Did the U. S. A. in her sea warfare against Japan announce certain waters to be areas of operation, blockade, danger, restriction, warning or the like?

A. Yes. For the purpose of command of operations against Japan the Pacific Ocean areas were declared a theater of operations.

3.Q. If yes, was it customary in such areas for submarines to attack merchantmen without warning with the exception of her own and those of her Allies?

A. Yes, with the exception of hospital ships and other vessels under "safe conduct" voyages for humanitarian purposes.

4.Q. Were you under orders to do so?

A. The Chief of Naval Operations on 7 December 1941 ordered unrestricted submarine warfare against Japan.

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5. Q. Was it customary for submarines to attack Japanese merchantmen without warning - outside of announced operation or similar areas since the outbreak of the war?

A. The reply to this interrogatory involves matters outside the limits of my command during the war; therefore I make no reply thereto.

6. Q. Were you under orders to do so?

A. The reply to this interrogatory involves matters outside the limits of my command during the war; therefore I make no reply thereto.

7. Q. If the practise of attacking without warning did not exist since the outbreak of the war, did it exist from a later date on? From what date on?

A. The practice existed from 7 December 1941 in the declared zone of operations.

8. Q. Did this practise correspond to issued orders?

A. Yes.

9. Q. Did it become known to the U. S. Naval authorities that Japanese merchantmen were under orders to report any sighted U. S. submarine to the Japanese Armed Forces by radio? If yes, when did it become known?

A. During the course of the war it became known to the U. S. Naval authorities that Japanese merchantmen in fact reported by radio to Japanese armed forces any information regarding sighting of U. S. submarines.

10. Q. Did the U. S. submarines thereupon receive the order to attack without warning Japanese merchantmen, if this order did not exist already before? If yes, when?

A. The order existed from 7 December 1941.

11. Q. Did it become known to the U. S. Naval authorities that the Japanese merchantmen were under orders to attack any U. S. submarine in any way suitable according to the situation, for

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instance by ramming, gun fire or by depth charges. If yes, when did it become known?

A. Japanese merchantmen were usually armed and always attacked by any available means when feasible.

12. Q. Did the U. S. submarines thereupon receive the order of attacking without warning Japanese merchantmen, if this order did not already exist before? If yes, when?

A. The order existed from 7 December 1941.

13. Q. Were, by order or on general principles, the U. S. submarines prohibited from carrying out rescue measures toward passengers and crews of ships sunk without warning in those cases where by doing so the safety of the own boat was endangered?

A. On general principles the U. S. submarines did not rescue enemy survivors if undue additional hazard to the submarine resulted or the submarine would thereby be prevented from accomplishing its further mission. U. S. submarines were limited in rescue measures by small passenger-carrying facilities combined with the known desperate and suicidal character of the enemy. Therefore it was unsafe to pick up many survivors. Frequently survivors were given rubber boats and/or provisions. Almost invariably survivors did not come aboard the submarine voluntarily and it was necessary to take them prisoner by force.

14. Q. If such an order or principle did not exist, did the U. S. submarines actually carry out rescue measures in the above-mentioned cases?

A. In numerous cases enemy survivors were rescued by U. S. submarines.

15. Q. In answering the above question, does the expression "merchantmen" mean any other kind of ships than those which were not warships?

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A. No. By "merchantmen" I mean all types of ships which were not combatant ships. Used in this sense it includes fishing boats, etc.

16. Q. If yes, what kind of ships?

A. The last answer covers this question.

17. Q. Has any order of the U. S. Naval authorities mentioned in the above questionnaire concerning the tactics of U. S. submarines toward Japanese merchantmen been based on the grounds of reprisal? If yes, what orders?

A. The unrestricted submarine and air warfare ordered on 7 December 1941 resulted from the recognition of Japanese tactics revealed on that date. No further orders to U. S. submarines concerning tactics toward Japanese merchantmen throughout the war were based on reprisal, although specific instances of Japanese submarines' committing atrocities toward U. S. merchant marine survivors became known and would have justified such a course.

18. Q. Has this order or have these orders of the Japanese Government been announced as reprisals?

A. The question is not clear. Therefore I make no reply thereto.

19. Q. On the basis of what Japanese tactics was the reprisal considered justified?

A. The unrestricted submarine and air warfare ordered by the Chief of Naval Operations on 7 December 1941 was justified by the Japanese attacks on that date on U. S. bases, and on both armed and unarmed ships and nationals, without warning or declaration of war.

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The above record of my testimony has been examined by me on this date and is in all respects accurate and true.

11 May, 1946

Chester W. Nimitz

CHESTER W. NIMITZ
Fleet Admiral, U. S. Navy

The witness, Chester W. Nimitz, Fleet Admiral, U. S. Navy, was duly sworn by me prior to giving the above testimony and I do certify that the above is a true record of the testimony given by him.

11 May, 1946

Joseph L. Broderick

JOSEPH L. BRODERICK
Lieutenant Commander, U. S.
Naval Reserve

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